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Attorney for Plaintiff, Chanel, Inc.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHANEL, INC., a New York
corporation,

Plaintiff,

v.

BRIGITTE C. VAUGHN a/k/a
BRIGITTE C. SIERAU a/k/a BRIGIT
VAUGHN and BIBI, INC., individually
and jointly, d/b/a
BIBISBLINGBLING.COM d/b/a
d/b/a BIBISBLINGBLING, and Does 1-
10,

Defendants.

Case No. 07-cv-06057 (NRB)

**DECLARATION OF ADRIENNE HAHN
SISBARRO IN SUPPORT OF
PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF REQUEST FOR
DAMAGES**

1. My name is Adrienne Hahn Sisbarro and I am employed by Chanel, Inc. ("Chanel") as Director, Legal Administration. I have been so employed since 1988. Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019.

2. I am over 18 years of age and have personal knowledge of the facts set forth herein.

3. In my capacity as Chanel's Director, Legal Administration, I am responsible, in part, for Chanel's trademark anti-counterfeiting efforts in the United States. As a result, I am fully familiar with most aspects of the manufacture, sale, and distribution of genuine Chanel products,

including handbags and costume jewelry including earrings. I have been trained to identify the distinctions between genuine Chanel merchandise and counterfeit copies of the same.

4. Since the 1920s, Chanel has been engaged in the promotion, distribution, and sale in interstate commerce of high quality items under the Chanel trademarks.

5. Chanel the owner of the following trademarks, which are the subject of the following United States Federal Trademark Registrations:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
CHANEL	0,626,035	May 1, 1956
CHANEL	0,901,190	November 10, 1970
CC Monogram	1,314,511	January 15, 1985
CHANEL	1,347,677	July 9, 1985
CC Monogram	1,501,898	August 30, 1988
CHANEL	1,733,051	November 17, 1992
CC Monogram	1,734,822	November 24, 1992
CC Monogram	3,025,934	December 13, 2005

which are registered in International Classes 14 and 18 and are used in connection with the manufacture and distribution of, among other things, handbags and costume jewelry including earrings (the "Chanel Marks"). True and correct copies of the Federal Registrations for the Chanel Marks are attached hereto as Composite Exhibit "1."

6. Chanel products are promoted and sold through Chanel boutiques throughout the United States, at high quality, prestige retail stores and via the Internet throughout the world. Accordingly, Chanel products are on constant direct display to consumers in every market. During the more than 70 years that Chanel has sold its products in interstate commerce under the Chanel Marks, Chanel has spent hundreds of millions of dollars to advertise and promote its goods extensively. In the last five years, Chanel's sales of high quality handbags and costume jewelry including earrings, and other goods have been well into many millions of dollars.

7. As a result of the foregoing, the Chanel Marks have acquired fame in the consumer market for a wide variety of products, including high quality handbags and costume jewelry including earrings, and various other goods. The Chanel Marks have come to symbolize the enormous goodwill of Chanel's products throughout the United States and the world. No other manufacturer uses the Chanel Marks or any substantially similar marks in connection with the manufacture, sale, or distribution of similar goods.

8. The Chanel Marks are vital to Chanel's business, as the marks represent virtually the entire value of the company and its associated image. Chanel suffers irreparable harm to its goodwill, as well as a direct monetary loss, any time any third parties, including the Defendants Brigitte C. Vaughn a/k/a Brigitte C. Sierau a/k/a Brigit Vaughn and Bibi, Inc. d/b/a BibisBlingBling.com d/b/a BibisBlingBling (collectively the "Bibi Defendants"), sell counterfeit goods bearing identical or substantially similar trademarks.

9. Prior to filing suit, Chanel received information that the Bibi Defendants were selling handbags and costume jewelry including earrings, and various other items under the Chanel Marks without Chanel's authorization through at least one website under the domain name BibisBlingBling.com. True and correct printouts of the Bibi Defendants' website BibisBlingBling.com are attached to the Declaration of Lynnette Oka ("Oka") as Composite Exhibit "1." The Bibi Defendants do not have, nor have they ever had, the right or authority to use the Chanel Marks for any purpose.

10. In or about May 2006, as part of its ongoing investigations regarding the sale of counterfeit "replica" Chanel products, Chanel retained Robert Holmes of IPCyberCrime.com, LLC ("Holmes"). Upon Chanel's instruction, Holmes purchased a handbag bearing the Chanel Marks at issue in this proceeding from the Bibi Defendants through their website, BibisBlingBling.com. On or about May 31, 2006, Holmes received the handbag and delivered the same to Chanel for analysis together with an appropriate Chain of Custody.

11. I personally inspected and analyzed the handbag purchased in May, 2006 from the Bibi Defendants through their website BibisBlingBling.com and determined it to be a non-genuine Chanel product. My analysis included review of the workmanship and materials of the handbag

including the interior labeling of the product, the hang tag attached to the handbag and the lining fabric of the handbag, all of which differ from and are inferior to a similar genuine Chanel handbag. A true and correct photograph of the handbag purchased from the Bibi Defendants through their website BibisBlingBling.com that I inspected together with the Chain of Custody are attached to the Declaration of Holmes as Composite Exhibit "2."

12. In or about April 2007, Chanel again became aware that the Bibi Defendants were continuing to sell and offer for sale handbags, costume jewelry including earrings, and various other items under the Chanel Marks at issue in this action without Chanel's authorization through their website BibisBlingBling.com. True and correct copies of the relevant pages from the Bibi Defendants' website BibisBlingBling.com captured on April 18, 2007 are attached to the Declaration of Oka as Composite Exhibit "1." Accordingly, Chanel again retained Holmes to investigate the Bibi Defendants.

13. On or about April 19, 2007, pursuant to Chanel instructions, Holmes purchased another handbag bearing counterfeits of the Chanel Marks at issue in this action from the Defendants' website, BibisBlingBling.com. Holmes received the handbag bearing counterfeits of the Chanel Marks purchased from the Bibi Defendants from their website BibisBlingBling.com and delivered the same to Chanel for analysis together with an appropriate Chain of Custody.

14. I personally inspected and analyzed the handbag purchased in April, 2007 from the Bibi Defendants through their website BibisBlingBling.com and determined it to be a non-genuine Chanel product. My analysis included review of the workmanship and materials of the handbag including the hardware, the labeling of the product, and the lining fabric of the handbag, all of which differ from and are inferior to a similar genuine Chanel handbag. A true and correct photograph of the handbag purchased by Holmes from the Bibi Defendants through their website BibisBlingBling.com that I inspected together with the Chain of Custody are attached to the Declaration of Holmes as Composite Exhibit "2."

15. As a result of the availability of the counterfeit products being offered by the Bibi Defendants through website BibisBlingBling.com, Chanel is highly likely to experience irreparable

damage to its reputation among consumers unless the infringing activity alleged in the Complaint is stopped.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

Dated this 4th day of April, 2008.



ADRIENNE HAHN SISBARRO

Composite Exhibit “1”



United States Patent and Trademark Office

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5**[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	CHANEL
Goods and Services	IC 018. US 003. G & S: WOMEN'S HANDBAGS. FIRST USE: 19380000. FIRST USE IN COMMERCE: 19541124
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71678436
Filing Date	December 16, 1954
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0626035
Registration Date	May 1, 1956
Owner	(REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 1 W. 57TH ST. NEW YORK NEW YORK
	(LAST LISTED OWNER) CHANEL, INC. CORPORATION ASSIGNEE OF NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ADRIENNE HAHN

Prior Registrations 0195360;0513132;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECTION 8(10-YR) 20060719.
Renewal 3RD RENEWAL 20060719
Live/Dead Indicator LIVE

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Word Mark	CHANEL
Goods and Services	IC 014. US 028. G & S: BRACELETS, PINS, AND EARRINGS. FIRST USE: 19140000. FIRST USE IN COMMERCE: 19250000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72339492
Filing Date	May 28, 1969
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0902190
Registration Date	November 10, 1970
Owner	(REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 9 W. 57TH ST. NEW YORK NEW YORK 10019
Prior Registrations	0612169
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECTION 8(10-YR) 20010329.

Renewal

2ND RENEWAL 20010329

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**Word Mark**

CC

Goods and Services

(CANCELLED) IC 016. US 037. G & S: [Notebooks and Stationery-Type Portfolios].
FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 018. US 003. G & S: Leather Goods-Namely, Handbags, [Wallets, Travel Bags, Luggage, Credit Card and Business Card Cases, Make-Up Bags and Vanity Cases Sold Empty, Briefcase-Type Portfolios; Attache Cases, Change Purses, Suitcases, Tote Bags, Garment Bags and Travellers' Shoe Bags]. FIRST USE: 19541124. FIRST USE IN COMMERCE: 19541124

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

73356733

Filing Date

March 26, 1982

Current Filing Basis

1A

Original Filing Basis 1A

Published for Opposition November 6, 1984

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1314511

Registration Date January 15, 1985

Owner (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York
NEW YORK 10019

Attorney of Record VERONICA L. HRDY

Prior Registrations 1075016

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20050225.

Renewal 1ST RENEWAL 20050225

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CHANEL

Goods and Services(CANCELLED) IC 016. US 037. G & S: [Notebooks and Stationery Type Portfolios].
FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 018. US 003. G & S: Leather Goods-Namely, Handbags [, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Brief Case Type Portfolios, Attache Cases, Change Purses, Suitcases, Tote Bags, Make-Up Bags and Vanity Cases Sold Empty, Garment Bags for Travel and Travellers' Shoe Bags]. FIRST USE: 19380000. FIRST USE IN COMMERCE: 19541124

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

73356734

Filing Date

March 26, 1982

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

April 30, 1985

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration Number

1347677

Registration Date July 9, 1985

Owner (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 W. 57th St. New York NEW YORK 10019

Prior Registrations **0626035**

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20050930.

Renewal 1ST RENEWAL 20050930

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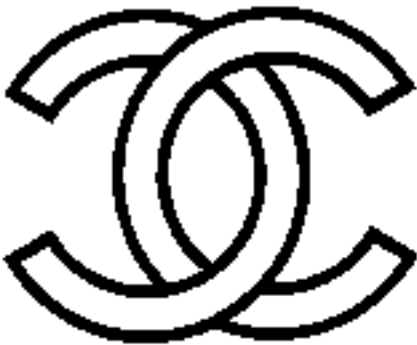
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Word Mark

CC

Goods and Services

IC 006. US 013. G & S: KEYCHAINS. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 014. US 028. G & S: COSTUME JEWELRY. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 016. US 037. G & S: GIFT WRAPPING PAPER. FIRST USE: 19860800. FIRST USE IN COMMERCE: 19860800

IC 025. US 039. G & S: BLOUSES, SHOES, BELTS, SCARVES, JACKETS, MEN'S TIES. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 026. US 040. G & S: BROOCHES, BUTTONS FOR CLOTHING. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

73644065

Filing Date

February 9, 1987

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

June 7, 1988

Registration Number

1501898

Registration Date

August 30, 1988

Owner

(REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

Attorney of Record

VERONICA L. HRDY

Prior Registrations

0195359;0399751;0799642;1241264;1271876;1293398;1308092;**1314511**;1347094; AND OTHERS

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

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Typed Drawing

Word Mark	CHANEL
Goods and Services	IC 018. US 003. G & S: leather goods; namely, handbags, wallets, travel bags, luggage, business and credit card cases, change purses, tote bags, cosmetic bags sold empty, and garment bags for travel. FIRST USE: 19540000. FIRST USE IN COMMERCE: 19540000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74242426
Filing Date	January 31, 1992
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 25, 1992
Registration Number	1733051
Registration Date	November 17, 1992
Owner	(REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York NEW YORK 100192790
Attorney of Record	Veronica L. Hrdy
Prior Registrations	0626035 ;1347677;AND OTHERS

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020607.
Renewal 1ST RENEWAL 20020607
Live/Dead Indicator LIVE

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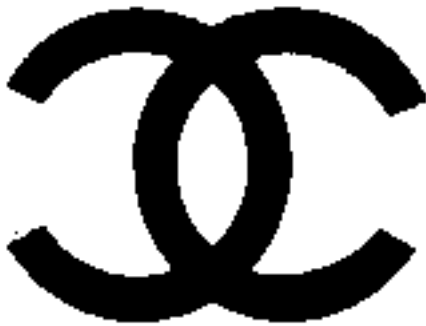
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Word Mark

CC

Goods and Services

IC 018. US 003. G & S: leather goods; namely, handbags, wallets, travel bags, luggage, business card cases, change purses, tote bags, and cosmetic bags sold empty. FIRST USE: 19540000. FIRST USE IN COMMERCE: 19540000

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

74242471

Filing Date

January 31, 1992

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition September 1, 1992

Registration Number

1734822

Registration Date

November 24, 1992

Owner (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York
NEW YORK 10019

Attorney of Record Veronica L. Hrdy

Prior Registrations 1293298;**1314511**;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020607.

Renewal 1ST RENEWAL 20020607

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Word Mark	CC
Goods and Services	IC 018. US 001 002 003 022 041. G & S: Handbags. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20040601
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles) 26.01.16 - Circles touching or intersecting 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	76615089
Filing Date	October 8, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 20, 2005
Registration Number	3025934
Registration Date	December 13, 2005
Owner	(REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York NEW YORK 10019

Attorney of Record	Veronica L. Hrdy
Prior Registrations	0195359;1734822;AND OTHERS
Description of Mark	This mark is a three-quarter view of the Chanel CC monogram which is comprised of interlocking C's.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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